

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

RAUL DANIEL RODRIGUEZ MARTINEZ, §
#2197813, §

§ Plaintiff, §

v. § Case No. 6:21-cv-418-JDK-JDL

BRYAN COLLIER, et al., §

§ Defendants. §

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff, a prisoner of the Texas Department of Criminal Justice, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 about alleged violations of his constitutional rights in prison. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for the disposition of the case.

With his complaint, Plaintiff filed a document the Court has construed to be a motion for preliminary injunction. Docket No. 1-1. On March 3, 2022, the Magistrate Judge issued a Report recommending that the motion be denied. Docket No. 16. A copy of this Report was mailed to Plaintiff, who sought and obtained an extension of time to object. Docket Nos. 20, 21. On May 25, 2022, the Court granted a second extension for twenty-one days from entry of that order. Docket No. 25. Plaintiff did not object within the extended period to do so, which has now expired.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir.

1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period or the extended period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 16) as the findings of this Court. It is therefore **ORDERED** that Plaintiff's motion for preliminary injunction (Docket No. 1-1) is **DENIED**.

So **ORDERED** and **SIGNED** this 28th day of June, 2022.



JEREMY D. KERNODE
UNITED STATES DISTRICT JUDGE